

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NOTICE OF APPEAL

Chad L. Williams,

Petitioner,

Case No. 16-cv-115

Dist. No. 227-228

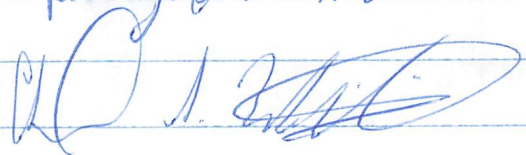
The Hon. Warrant Issuing Judge, et al,

Respondents.

Mr. Williams wishes to appeal the decision of the presiding judge, 'see attached documents'. Mr. Williams is further requesting a Notice of Appeal Form and other needed document to properly complete a Federal Writ Habeas Corpus.

Dated: 1/24/23

Respectfully Submitted:



c.c. File:

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23 JAN 31 AM 9:17

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 1/18/2023 at 12:56 PM EST and filed on 1/18/2023

Case Name: Williams v. The Hon. Warrant Issuing Judge et al

Case Number: 1:16-cv-00115-LJV-HKS

Filer:

Document Number: 127(No document attached)

Docket Text:

TEXT ORDER: The *pro se* plaintiff, Chad Williams, has filed a motion "to add state cases to civil action to show cause for retaliation." Docket Item 125. In that motion, Williams apparently asks this Court to intervene in his state court criminal case to stop an "illegal felony grand jury proceeding." *Id.* at 2.

In *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court endorsed "a strong federal policy against federal-court interference with pending state judicial proceedings absent extraordinary circumstances." *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1982). But under *Younger*, "district courts should abstain from exercising jurisdiction only in three 'exceptional circumstances' involving (1) 'ongoing state criminal prosecutions,' (2) 'certain civil enforcement proceedings,' and (3) 'civil proceedings involving certain orders uniquely in furtherance of the state courts' ability to perform their judicial functions.'" *Falco v. Justs. of Matrim. Parts of Sup. Ct. of Suffolk Cnty.*, 805 F.3d 425, 427 (2d Cir. 2015) (quoting *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 78 (2013)). And "before invoking *Younger*[,] a federal court" also may "consider... [w]hether there is (1) an ongoing state judicial proceeding that (2) implicates important state interests and (3) provides an adequate opportunity to raise federal challenges." *Cavanaugh v. Geballe*, 28 F.4th 428, 432 (2d Cir. 2022) (alterations, citation, and internal quotation marks omitted).

Williams's motion to have this Court intervene in his state court criminal proceeding is the sort of request that is squarely barred by *Younger*. See *Sprint*, 571 U.S. at 72 ("When there is a parallel, pending state criminal proceeding, federal courts must refrain from enjoining the state prosecution."). So this Court must abstain from interfering with that proceeding absent a showing of "bad faith, harassment[,], or any other unusual circumstance that would call for equitable relief." *Lowell v. Vt. Dep't of Child & Fams.*, 835 F. App'x 637, 639 (2d Cir. 2020) (summary order). And Williams has not made that showing here: Although he says that the state court proceeding is "blatant retaliation," Docket Item 125 at 3, he does not allege anything to suggest that the prosecution is being pursued with "no reasonable expectation of obtaining a favorable outcome," *Lowell*, 835 F. App'x at 639. Nor is there any reason to believe that the New York State courts are incapable of resolving Williams's claims in his state criminal case. For those reasons, Williams's motion is denied. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 1/18/2023.

(WMH)

This was mailed to: the plaintiff.

1:16-cv-00115-LJV-HKS Notice has been electronically mailed to:

Maria Elizabeth Rodi mariarodi@monroecounty.gov

U.S. DISTRICT COURT

U.S. District Court, Western District of New York

Notice of Electronic Filing

The following transaction was entered on 1/18/2023 at 5:29 PM EST and filed on 1/18/2023

Case Name: Williams v. The Hon. Warrant Issuing Judge et al

Case Number: 1:16-cv-00115-LJV-HKS

Filer:

Document Number: 128(No document attached)

Docket Text:

TEXT ORDER denying [124] Motion in light of [117] Amended Case Management Order setting deadlines for discovery and denying [126] Motion to Appoint Counsel for the reasons stated in [98]. Issued by Hon. H. Kenneth Schroeder Jr. on 1/18/2023. (KER)

Clerk to Follow up by mailing copy to plaintiff

1:16-cv-00115-LJV-HKS Notice has been electronically mailed to:

Maria Elizabeth Rodi mariarodi@monroecounty.gov

1:16-cv-00115-LJV-HKS Notice has been delivered by other means to:

Chad S. Williams
MONROE COUNTY JAIL
130 South Plymouth Avenue
Rochester, NY 14614

ROCHESTER NY 144

26 JAN 2023 PM 1 L



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